

## **REMARKS**

The Office Action mailed April 16, 2008 indicates the allowance of claims 1-3, 12, 14, and 36-41. Claims 42-45 have been omitted from the listing of allowed claims, but have been previously indicated as allowed. See Office Action mailed January 30, 2007. Applicants request confirmation that claims 1-3, 12, 14, and 36-45 are allowed. The formal matters identified by the Examiner related to the reissue declaration are addressed below.

### **Oath / Declaration**

This application stands rejected based upon a defective reissue oath/declaration because “none of the errors which are relied upon to support the reissue application are errors upon which a reissue can be based. See 37 CFR 1.175(a)(1) and MPEP §1414.” Furthermore, the “reissue declaration filed 02/02/01 failed to comply with 37 CFR 1.63 because it failed to state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 1.56 as required by 37 CFR 1.639b)(3). To cure this defect, the applicant may use Form PTO/SB/51. . .”

Submitted herewith is a Reissue Application Declaration (Form PTO/SB/51) signed by all inventors which includes an acknowledgement of the duty to disclose under 37 CFR 1.56 and a statement reviewed and approved by Examiner Henry Yuen which identifies at least one error upon which the reissue is based.

Appl. No. 09/776,394  
Response to Office Action Mailed 4/16/08

Attorney Docket No. 31132.59/ PC904.03  
Customer No. 46333

### **Conclusion**

With the submission of the new Reissue Application Declaration form, Applicants believe all issues have been addressed. A notice of allowance of claims 1-3, 12, 14, and 36-45 is respectfully requested. The Examiner is invited to telephone the undersigned at the below listed telephone number, if needed.

Respectfully submitted,



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Dated: 7/14/08  
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I hereby certify that this correspondence is being file with the  
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Gayle Conner